

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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GERTRUDE RATHMAN,

Plaintiff,

-against-

EMPIRE HEALTH CHOICE ASSURANCE,  
INC., d/b/a EMPIRE MEDICARE SERVICES,  
THE TRAVELERS COMPANIES,  
INC. d/b/a THE TRAVELERS INDEMNITY  
COMPANY and PENINSULA HOSPITAL  
CENTER,

Defendants.

07 CV 11589 (PKC)

**NOTICE OF VOLUNTARY  
DISMISSAL PURSUANT TO  
FED.R.CIV.P. 41(a)**

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PLEASE TAKE NOTICE THAT plaintiff, Gertrude Rathman, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, hereby voluntarily discontinues without prejudice her action in the above captioned matter solely as against defendant Empire Health Choice Assurance, Inc., d/b/a Empire Medicare Services (“Empire”), who not yet served an answer or a motion for summary judgment. Accordingly, the plaintiff’s action against defendant Empire is hereby dismissed without prejudice.

Dated: Brooklyn, New York  
February 14, 2008

REIBMAN & WEINER  
Attorneys for Plaintiff

By: s/Michael Lumer  
Michael Lumer (ML-1947)  
26 Court Street, Suite 1005  
Brooklyn, New York 11242  
(718) 522-1743

To: Li Yu, Esq.  
United States Attorney's Office  
Southern District of New York  
86 Chambers Street  
New York, New York 10007